

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hans John HANSEN
Title: METHODS OF ANTIBODY-DIRECTED
ENZYM-PRODRUG THERAPY
Appl. No.: 09/216,609
Filing Date: December 21, 1998
Examiner: A. Holleran
Art Unit: 1642



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REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 18, 2000. Please consider the following remarks.

REMARKS

Claims 1-54 are pending in the application, but claims 47 and 48 are withdrawn from consideration. The Examiner has rejected claims 1-46 and 49-54. In view of the following remarks, applicant respectfully urges that the rejections be withdrawn.

35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-50, 53 and 54 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. In particular, the Examiner rejects the recitation of "optional" steps "b" and "d" in claims 1 and 53. However, applicant submits that neither 35 U.S.C. § 112, second paragraph nor the MPEP precludes the recitation of "optional" steps in the claims. In this context, the relevant inquiry is whether the claim reasonably apprises those skilled in the art of the utilization and scope of the invention. *Hybritech, Inc. v. Monoclonal Antibodies*, 231 USPQ 81, 94-95 (1986). Here, it is clear that the claims cover methods for targeting a therapeutic agent to a target site in a patient, whether or not a clearance composition is used. Thus, the